



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 4437-99
7 March 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 1 May 1997. It appears that your enlistment was fraudulent, in that you denied a pre-service history of depression, suicide attempts and back pain, and concealed your history of alcohol abuse and an injury to your back. On 13 October 1998, you admitted that you had injured your back six years earlier in a motor vehicle accident, and that a chiropractor had told you that the injury resulted in a spinal misalignment. On 22 March 1999, you admitted that you had been the victim of physical and sexual abuse as a child, that you had attempted suicide on two occasions prior to enlisting in the Navy, and that you began abusing alcohol at age 14. You underwent a pre-separation physical examination on 12 April 1999, and were found physically qualified for separation. You were discharged under honorable conditions on 17 June 1999, because of a personality disorder.

The Board noted that the conditions of your back and neck which were noted during your enlistment existed prior to your enlistment in the Navy. There is no indication in the available records that those conditions were aggravated beyond normal progression by your

military service. In the absence of evidence which demonstrates that you suffered from a condition or conditions incurred in or aggravated by your naval service which rendered you unfit for duty, the Board was unable to recommend that your record be corrected to show that you were separated or retired by reason of physical disability. In addition, it concluded that you were fortunate not to have been discharged for fraudulent enlistment, and that there is no basis for upgrading your discharge to honorable. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

The records available to the Board indicate that you were diagnosed as suffering from an adjustment disorder, rather than a personality disorder. If you were not, in fact, diagnosed as suffering from a personality disorder, you should consider applying to the Naval Discharge Review Board for correction of the basis for your discharge.

Sincerely,

W. DEAN PFEIFFER
Executive Director